MARSHALL COUNTY DEMOCRAT.

THE BLESSINGS OF GOVERNMENT, LIKE THE DEWS OF HEAVEN, SHOULD FALL ALIKE UPON THE RICH AND THE POOR.—JACKSON.

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From the Democratic Pharos.

LIQUOR LAW--SUPREME COURT--ATTACKS OF FUSIONISTS.

Abuse without measure has been heaped upon the Democratic members of the Supreme Court, coupled with the grossest misrepresentation of their motives. 'Whiskeyites,' 'Rum-suckers,' 'perjured Judges,' &c., &., are the key-notes for the Fusion press and speakers. No epithets are too low or abusive to be aimed at the Democratic Judges by men who ought to have more candor than to thus impugn the motives of men for whom they profess personal friendship, or at least respect. Last Saturday night, at the Democratic Club, Judge Stuart was called upon for remarks.—His response was ordered by a vote of the Club to be published. Judge Stuart said:

MR. PRESIDENT:—Permit me to call your attention a moment to the liquor question—not for the purpose of discussing it, I leave that to others; but to note the style in which the temperance argument is conducted. In connection with the liquor law the Supreme Court has been visited with unmeasured abuse. The English language was not rich enough. They had to coin new words. Even such men as Judge McDonald in the late temperance convention, and Messrs. Hanaman, Fletcher, Blake, Dillon, Thompson, Mills and Barry, in a late temperance circular to the people of Indiana, lend themselves to circulate slander against the Court.

In marked and honorable contrast is the course of the Democratic party towards Judge Gookins. He was elected by the Fusionists in 1854, and some claim partly on the liquor issue. He sustained the whole law in all its details. Yet I am not aware that any Democratic paper or public speaker has said a single word abusive of Judge G. They differ with him in opinion; they believe his conclusions erroneous; they canvass his arguments. This is as it should be. Of this no man of any party has a right to complain. The opinion of a Court is public property—subject to just criticism. If its reasoning and principles are unsound, their fallacy should be exposed.

From some men in the Fusion ranks no species of defamation would either surprise or offend. Their censure is the best evidence of rectitude. Their approbation is but an index of some mental or moral obliquity. A prudent man would instinctively suspect the soundness of his own opinions if he concurred with them.

But among those above named I recognize with surprise and regret some whom I have hitherto highly estimated. I did not dream that under the guise of personal friendship they would deliberately make an assault so pregnant alike with bad taste and bad feeling. I never have, nor do I now pretend to notice the innumerable pack that have been barking at the Court. As responsible endorsers of slander I prefer to deal with these gentlemen.

It is well known that there were some things I did not approve and do not defend. I only propose to intimate briefly my own course and vindicate that.

Judge McDonald's remarks in the temperance convention carry the idea that the majority of the Court (Perkins, Davidson and Stuart) were acting in concert with Mr. Manville and the liquor men—that Manville told him as a settled fact months before what the decision would be, and how each Judge would stand. In the same strain the temperance circular signed by Fletcher, Blake & Co., goes on in substance thus: 'Rumor said that for the paltry success of a party, through the votes of the rumseller and his satellites, the mandate of the supreme judiciary would arrest the law in its course, but she was not believed.—But still the report gathered strength and consistency—is assumed an air of authority; it presumed to indicate the position of each of the Judges; and then good men began to fear, as the evil gathered confidence, that it might not be well in the issue. At last that issue came—first the decision of a single Judge, and then the decision of the Bench, and our wost fears were realized.' Elsewhere they speak of the industry of the Court to support *a position that had been predetermined.*

Answering only for myself, I pronounce the insinuations contained in the above extract an unmitigated falsehood.

The history of the liquor cases is my best vindication. When distributed by the Clerk in the order of submission, one of them fell to Judge Gookins—the other to Judge Perkins. I had no case in my hands involving the liquor question. I was in no manner responsible either for the haste or the delay of preparing these cases for decision. Personally I was in favor of withholding their consideration till the term previous to the meeting of the legislature; as had been done in the school cases. But the parties and counsel, and finally the public, became urgent for a decision and I reluctantly yielded.

The meeting of the Court in July was appointed to hear argument in a railroad case. The liquor cases were then submitted and argued. The only consultation the Court then had, was an hour or so the afternoon the public discussion closed. We were then quite at sea. None of us seemed to have any opinion. What little was said related wholly to the details of the law.—Other business came in so pressing, absorbing all our time, that we found it necessary to adjourn till Court in course.—This was done unanimously. The object was partly to give time to mature cases for the next term, but especially to mature the liquor cases. After this adjournment in July there could of course be no opinion of the Court until the next term on the fourth Monday in November.

The members of the Court were at Indianapolis in the latter part of August; but were not all there at the same time—Judge Gookins coming the afternoon I left. So that there was not even a consultation, and that (consultation) is all that could have taken place in vacation. At my room Judge Perkins read some views which had occurred to him since the public argument, and which were afterwards matured and published in the Herman case at Chambers. From these views I promptly dissented; not doubting but that on further reflection he would also abandon them.

Supposing that a re-argument could scarcely fail to conduce to the unanimity of the Court, I proposed that course in August. During the argument in July, my attention was chiefly occupied with the details. The question of legislative power had not struck me forcibly. I was therefore anxious for a re-argument on that single question—the power of the legislature to pass such a law. It was a question new in judicial history. It needed elucidation and reflection. Accordingly the second Monday of November was set and counsel notified. But for some reason which I never fully understood, the argument did not come off. On that very day Judge Perkins' opinion in the Herman case at Chambers, appeared in print.

That (the Herman case) was understood to embody Judge Perkins' views. Two weeks after, on the Saturday prior to the public session, Judge Gookins presented his opinion in consultation. With that opinion I could not concur, and so intimated. Up to this time I had no settled opinion of my own—now staggering under this argument and then under that. Nor did I up to this time know what Judge Davidson's views were. Hitherto I had paid no attention to the liquor cases with any views of writing an opinion; I had enough in my own cases to claim all my time and labor. I presumed that the Judges having the Beebe cases specially in charge would exhaust the subject and the authorities. In this I was not disappointed. But in the course of reasoning pursued and the conclusions arrived at, I could not concur with either.—To silently or briefly dissent was to open the way to misrepresentation. I had therefore no option but to write out my own views.

Up, therefore to the eve of the public session of Court, about the last of November, I had no opinion on the liquor question—only that of a mere non-occurrence with Messrs. Gookins and Perkins. Till that time I did not fully realize the necessity of a separate opinion. During the week of the public session at the State House nothing further was done but to appoint an early day for re-agument. This was done chiefly at my instance. I was unwilling to determine a question so important without hearing all that could be urged on both sides.

Immediately after the public session the opinion on the manufacturing case, including the agency, was written out at home—subject to such change as the re-argument might produce. The opinion on the sale was wholly prepared as published, after the re-argument in December. In the opinion on the sale, I had reserved the right, with the consent of the other Judges, to revise the opinion on the manufacturing and publish it at a future day; but one of the Judges objected to that, and the sentence to that effect was stricken out. So the opinion on that branch of the liquor question still lies in my drawer.

That the opinion on the sale was prepared after the re-argument must have been apparent to the counsel and to all who attended Court during its progress. Judge McDonald must have been aware how largely I profited by that very able discussion. Some of the very men, who in their address to the people of Indiana insinuate that the course of the Court was predetermined, were also present. They must have dull ears if they are not aware that the opinion on the sale is based chiefly on that agument. To ordinary intelligence the authorities cited in the discussion and in the opinion would be sufficient ear-marks. Almost the only point that is pressed beyond the course of discussion, is the legislative and judicial history of the question. Even that was suggested but not elaborated by counsel.

To you, sir, all with whom I was on terms of friendly intercourse for the last year, I might appeal whether you knew my opinion on the liquor question beforehand. You knew that I was opposed to the law as a measure of policy. You knew that in the Legislature of 1851-2 I voted against the Maine law as a quasi sumptuary law to which no free people should submit. You knew that as a private citizen I had in various ways expressed the same sentiments I opposed it too as bad temperance policy. But that could have nothing to do with the judicial question whether the Legislature had the power to pass a foolish and odious enactment. Did any of you know my opinion as a Judge on that question? No sir—for one reason, that I had none: and for another, that regard for judicial propriety would have restrained such loquacity. I might appeal also to my intimate friends the Clerk, Reporter, and Sheriff of the Supreme Court. They were in my room several times during the preparation of the opinion. They saw the manuscript in progress on my table. They knew it was on the liquor question. But not one of them knew the reasoning or the result.

Sir, there is one rule of judicial propriety to which I have endeavored to conform, and that is to observe every prudence in relation to matters pending in Court. Nay, more, I not only have not wished to hear, but I have scrupulously avoided every position where I might be subject to hear anything which should be spoken only by counsel in the presence of opposing counsel. Hence I endeavored to shun ultra men of every shade. You all know that I have no sympathy with ultraists or fanatics, of any kind. I have never courted their favor. Between the advocate of the 'inalienable right of free liquor' and the rabid Maine law man I cannot readily distinguish. Both are fanatics. Hence I have shunned them both, because neither were likely to throw light on the judicial path; nor were they in any event legitimate mediums of communication with the Court.

If, therefore, any one pretended to know my opinion, such pretence was utterly false: both because I held no such communication with any one, and because I had not in truth for months after any opinion on the subject. I had once before in private assured Judge McDonald that all such reports were false. I had hoped that was sufficient. What his purpose was in repeating it in the Convention I do not pretend to know. It is hardly to be presumed, however, that it was a 'shaft at random sent.'

The State Temperance Committee linger upon the same falsehood with evident relish. In their address to the people already alluded to they say 'but we will not use invective nor sit in judgment on the motives of the Judges.' Not they. They only insinuate that the Court yielded to the liquor influence for party purposes! Or to use their own chaste and charitable language, 'the Judges soiled the purity of the ermine of justice for the paltry success of a party through the votes of the rumseller and his satellites.' Yet this grave charge, those sapient gentlemen say, is not invective: nor any imputation of the motives of the Judges! Nor is it to be presumed that they made the charge for any 'paltry party purposes!' Not at all. Such holy men as Fletcher, Blake & Company never act on *party* motives. They are too pure for that. They even solemnly aver that they 'are not anxious for the success of *any* party!' And this they expect the people of Indiana to believe. To those acquainted with the history of those men, this profession of faith must be highly amusing. *Credat Judeas Appella* will be the general appreciation accorded to them by all who know them.

That the Supreme Judges have not been actuated by party motives in their judicial career scarcely needs refutation. The liquor law of 1853 was passed by a Democratic Legislature. It was quite as much a Democratic measure as the law of 1855 was a Fusion measure. Aside from constitutional objections, the two acts stand in marked contrast to each other—indicative of the governing principles and policy of the two parties. Yet this Democratic liquor law was declared unconstitutional by a Democratic Court. Do these immaculate patrons of temperance, some of whom figured as high priests in the drunken orgies of 1840, do they think the Judges so decided for the paltry success of the party?

The school law was also a Democratic measure. It was conceived in the Constitutional Convention of 1850, and matured in the Democratic Legislature of 1851-2. Yet the Democratic Supreme Court declared that act unconstitutional. Was that, too, for the paltry purposes of party success? And when the same measure is meted to the Fusion liquor law of last winter, do these decorous gentlemen who would not use invective nor sit in judgment on the motives of the Court, pretend to say that the decision was made for paltry party purposes? For one I repel it as a base falsehood.

These men seem to have no idea of any high motive or imperative duty resting upon the Court to protect the Constitution. When the liquor law of 1853 was decided, they and their congenial defamers raised the cry that the Court was opposed to temperance and morality. When the school law was decided, the Court was opposed to education! Now, when the Fusion liquor law is subjected to the same test, the Court has tarnished the ermine to obtain party success! They cannot endure a Court that will not sap and destroy the Constitution ere the ink upon it is yet dry.

It is remarkable that in all this address to the people, unctions with so much sanctimonious phraseology, the word *Constitution* never once occurs in connection with the liquor law of 1855. It is never once intimated that the law was considered unconstitutional. There is not a word in it to remind the people of the State that they have any such instrument to protect their rights. To read this address one might suppose that its authors had not so much as heard whether there be any Constitution. At all events they evidently have no relish for an instrument which prevents such

'Burning and shining lights to a' the place,'

from lording it as they list over the heritage of freemen. There is not even the slightest intimation that the law might possibly conflict with some constitutional provision. All we learn is that this model enactment had been arbitrarily declared void by the Courts to subserve party ends. The people are further informed by these discreet gentlemen, who are so scrupulous 'not to use invective,' that 'the law would have been fully sustained if all had been as anxious to do so, as to find fault therein.'

Men who thus charge corruption and perjury (for that is the plain English of it) on those who are not infected with their malady—do they presume to appeal to the people of Indiana and expect to be believed when they disclaim political motives and say they are not anxious for the success of any political party? Why, there is not a man in Indianapolis of any party who will not laugh in their faces when they pretend such a thing. When were they ever anything but partizans—bitter and vindictive at that? Are they not now most of them, perhaps all, Abolitionists of the most ultra type, debasing the temperance cause as auxiliary and subservient to that? The very game they played so successfully in 1854 they are preparing to repeat in 1856.

The whole tenor of the address is that what they call a 'good law' should be sustained *anyhow*. A rabid temperance man said last summer that the law was doing a great deal of good and should be sustained even if the *Constitution had to be stretched a little.* That is true Fusion doctrine; 'stretch the Constitution' or 'let the Union slide.' The hobby of the hour is paramount to both in the Fusion mind.

In conclusion, sir, let me say that the address to the people is a cowardly attack on men whom judicial propriety renders powerless in defence.

The party opposed to ultra legislation, and in favor of all proper legal restriction, have champions in the field ready to discuss the merits of the liquor law which these gentlemen so emphatically endorse. Why not manfully meet them? Oh, no—these *prudent* gentlemen think it safer to make a dastardly assault on the Judges whose hands they supposed to be tied.

The truth is, neither party can skulk behind the Supreme Court. A majority of that Court are not agreed upon anything. For instance, while I concur with one of the Judges that the manufacturing and agency are unconstitutional, I expressly repudiate his reasoning in so many words. As to the power of the Legislature to pass a foolish act, or the province of the Court to correct that folly, we differ *in toto celo.* The whole question of the expediency of the law is open for discussion, and must be met by politicians on its merits. It is eminently and obviously proper that such questions should be settled by the people. By their power over the Assembly, the Courts, and even the Constitution itself, the people are, and of right ought to be, the final arbiters in the liquor question. There is no evading it. No true Democrat will seek to evade it. Throughout the whole North and North-West it has become almost a national issue. By a preconcerted movement the Maine law is mounted as a hobby by the same political party from Maine to Iowa. It is pressed in spite of Constitutions and private rights. Vituperation and falsehood are substituted for argument. The State Temperance Committee give the key-note to their co-laborers. Well may the true temperance sentiment of the State pray to be delivered from such friends.

An editor out West, boasts that he had a talk with a woman, and got the last word.

A MOUNTAIN LAKE.—Embosomed amid the towering peaks and eternal snows of the Sierra Nevada, at an elevation of six thousand feet above the level of the sea, there is a great lake, which, strange to say, does not freeze even the present severe winter. This is probably owing to its depth, and the constant motion of its waters; for it is often at the mouth of the small streams flowing into the lake that ice forms in any quantity. The Placerville American thus speaks of it:

"A portion of the lake shore consists of marshes or meadows; and the numbers of trout, of all sizes, but many of them of from two to two and a half feet in length, that are found in these marshes and shallow waters, during thawy days and nights of winter and spring, are almost incredible. Kelley & Rogers, residents of the valley the present winter, are progressing finely in the construction of their twenty ton yacht, and will have it completed by the middle of May; but the tempting appearance of the trout in the shallow waters, induced them immediately to construct a yawl of one and a half tons burthen, which they have completed and launched; and the ease with which the piscatory inhabitants of the lake are taken, almost spoils the sport. Next summer the valley will be visited by hundreds."

A Great Man.

George Lippard, in his new work called "The Nazarene," thus speaks of President Jackson: "He was a great man! Well I remember the day I waited upon him. He sat there in his arm chair—I can see that old warrior face with its snow-white hair even now. We told him of the public distress—the manufacturers ruined—the eagles shrouded in crape which were borne at the head of twenty thousand men into Independence Square. He heard us all—We begged him to leave the deposits where they were, to uphold the great bank in Philadelphia. Still he did not say a word. At last one of the members more firey than the rest, intimated that if the bank was crushed a rebellion might follow. Then the old man rose. I can see him yet:

"Come!" he shouted in a voice of thunder as his clutched hand was raised above his white hairs. "Come with bayonets in your hands instead of petitions—surround the White House with your legions—I am ready for you all! With the people at my back, whom your gold can neither buy nor awe, I will swing you up around the Capitol—each rebel of you—on a gibbet high as Haman's."

"When I think," says the author, "of that one man standing there at Washington, battling with all the powers of bank and panic combined, betrayed by those in whom he trusted, assailed by all that the snake of malice could hiss or the fiend of falsehood howl—when I think of that one man placing his back against the rock and folding his arms for the blow, while he uttered his vow: "I will not swerve one inch from the course I have chosen!" I must confess that the records of Greece and Rome—nay, the proudest days of Cromwell or Napoleon—cannot furnish an instance of a will like that of Andrew Jackson, placed life and soul and fame on the hazard of a die, for the people's welfare."

Providence Sentinel.

HOW TO CURE A FRETTING CHILD.—One of our little boys, from the interior of the State, came to us in an extremely unmanageable condition. His mother said to me that she could do nothing with him; that everything he wished for were not granted at once, he would keep the house in a complete confusion; and that there was no quiet except when he was asleep; that he was never known to obey any one but his father, and then never except his command was accompanied by a severe threat, Mr. and Mrs. —— said they would be glad to leave their son with us, if we thought we could manage him. Whips and rods have never been used as a means in bringing our children to obedience; and we have no notion of resorting to them now, the mother's recommendation to the contrary notwithstanding. We met this little fellow precisely as we think every other child should be met who has a similar disposition. His crying, screaming and stamping were of no avail. Whatever was proper for him was granted: what was not proper was withheld. By this mode of treatment for a day or two, he began to learn the important lesson that he was happier when obeying than disobeying. Thus with gentleness mingled with firmness, we have completely conquered him; so that now he is kind, affectionate, orderly and obedient. His unhappy, fretful disposition has given way, and he exhibits a marked change in his character; not only in his outdoor sports but in school, where he will go through the severest drill with earnestness and delight. —*Report of Philadelphia Asylum.*

A GOOD ONE.—The following is from Roger's Table-talk:

'Doctor Fordyce sometimes drank a good deal at dinner. He was summoned one evening to see a lady patient, when he was more than half seas over, and conscious that he was so. Feeling her pulse, and finding himself unable to count its beats, he muttered, 'Drunk by ——!' Next morning, recollecting the circumstance, he was greatly vexed; and just as he was thinking what explanation of his behavior he should offer to the lady, a letter from her was put into his hand. 'She too well knew,' said the letter, 'that he had discovered the unfortunate condition in which she was when he last visited her' and she entreated him to keep the matter secret in consideration of the enclosed (a hundred pound bank note.)

NEW BUSINESS.—We heard a pretty good one the other day, which we think merits a wider circulation than it has yet got. The story runs that some honest faced Hoosier went into a fancy store in Cincinnati, in hunt of a situation. The proprieter, or head clerk was sitting in his counting room with his feet comfortably cocked up on a table, and contemplating human life thro' the softening influence of cigar smoke.—Our Hoosier friend addressed him modestly as follows:

'Do you want to hire a hand about your establishment sir?'

The clerk looked up indifferently, but seeing his customer, concluded to have some fun out of him, so he answered very briskly, at the same time pulling out a new and costly handkerchief, and blowing his on it.

'Yes, sir, what kind of a situation do you want?'

'Well,' said the Hoosier, 'I'm not particular, I'm out of work, and almost anything 'll do me for a while.'

'Yes; well, I can give a situation, if it will suit you.'

'What is it? What's to be done, and what do you give,' enquired the other.

'Well,' was the answer, 'I want hands to chaw rags into paper, and if you are willing to set in you may begin at once.'

'Good as wheat!' exclaimed the Hoosier: 'hand over rags.'

'He e' was the rejoinder, 'take this handkerchief, and commence with that.'

Hoosier saw the 'sell,' and quietly putting the handkerchief into his pocket, remarked as he turned to go out:

'When I get it chawed, stranger, I'll fetch it back!'

SHORT SERMON.—My hearers: this is not only a great but a mysterious world that we live in and pay rent for. All discord is harmony; all evil is good; all despotism is liberty, and all wrong is right—as Alexander Pope says: 'Whatever is, is right,' except the left boot, and wanting to borrow money. You may want sense and the world won't blame you for it. It would gladly furnish you with the article, had it any to spare, but unluckily it has hardly enough for home consumption. However, if you lack sense you are well enuff off after all; for to commit a *fauz pas*, as the French say, you are let go with the compliment, poor fool, he don't know any better. The truth is, a great deal of brains is a great deal of botheration. An empty skull is bound to shine in company because the proprietor of it isn't wit enough to know that there is a possibility of making a nincompoop of himself, and therefore he dashes ahead, hit or miss, and generally succeeds beyond conception. Let a man be minus brains and plus brass, and he is as sure of a pass through the world as if he was greased from ear to ankle; but rig up for him a nice machinery of thought and it is as much as he can do to attend to it. He goes to the grave muffled and troubled, curses life for its cares; and moseys into eternity pack-saddled with mental misery. Oh! for the happiness of fools!

KILL OR CURE.—A doctor was employed by a poor man to attend his wife who was dangerously ill, the doctor gave him a hint that he had fears of not being paid.

'I have five pounds,' said the man to the doctor, 'and if you kill or cure, you shall have the money.'

The woman died on the doctor's hands; after a reasonable time he called for his five pounds.

The man asked the doctor if he killed his wife?

'No.'

'Did you cure her?'

'No.'

'Then,' said the poor man, 'you have no legal demand.'

And the man of physic went his way sorely vexed.

One new bonnet will make a young lady feel happy.

One 'funny man' will bother a whole neighborhood.

One hiss will disturb a whole assembly.

One bad novel will waste reams of good paper.

One jolly row will turn the inhabitants out of doors.

One pretty flirt will make a dozen plain girls unhappy for entire evenings.

One song will set thirty people talking.

One dollar and a half will pay for the *Democrat* one year.

POST OFFICE ROBBERY.—During the night of the 4th inst., the Post Office in this place was forcibly entered and money to the amount of $130 abstracted therefrom. The money was in a small red tin trunk, which was also taken. It consisted of about $10 in silver change, one $10 bill on the State of Ohio, and about $5 in small bills, and the balance of gold.

The P. M. offers a reward of $50 for the apprehension of the thief and recovery of the money, or a liberal reward for either.—*Huntington Herald.*

COLIC IN HORSES.—The best remedy for colic in horses is one pint of whiskey and two-thirds of a teacupful of gunpowder. Mix well, and drench the horse. In ordinary cases, the horse will be well in half-an-hour—provided the gunpowder don't "go off," and take the horse along with it.

TRUTHFUL SENTIMENTS.—In this country no young man need go unimployed.—Wealth and respectability are conditions to which he may attain. He has no right to be idle; he has no right be ignorant; he has no time to be vicious, and generally speaking, no man has a right to be poor.

THE FARMER.—A beautiful thought this which we find in one of our exchanges:

'If there is a man who can eat his bread in peace with God and man, it is the man who has brought that bread out of the earth. It is cankered by no fraud, it is wet by no tears, it is stained by no blood.'